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May 1, 2008

Via Facsimile

MEMO ENDORSED

The Honorable Colleen McMahon
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

I have ^{not} received ^{any today,}
the ^{order} ^{on}
Matthew I. Kramer
5/1/08

Re: Gimbi v. ContiFinancial Corporation 08 Civ. 3182 (CM)

Dear Judge McMahon:

This firm represents Jeffrey H. Beck, the Chapter 11 liquidating trustee (the "Trustee") of debtors ContiFinancial Corporation, et al. (Case No. 00 B 12184 (AJG)). The Court has scheduled oral argument in respect of the above-referenced appeal for May 23, 2008 at 11:00 a.m. I am inquiring whether the Court has received from the Bankruptcy Court's Clerk's office a proposed Order of Dismissal for Failure to Prosecute Bankruptcy Appeal. I spoke with Anatin (x 3512) today at the Bankruptcy Court's Clerk's office who explained that he transmitted such proposed order to the Court since Ms. Gimbi failed to both properly pay the required filing fee and designate the items to be included in the record on appeal. Further, Ms. Gimbi has failed to file any brief in support of her appeal to date. If Chambers would kindly notify me whether such proposed order has been received and whether it has considered such proposed order, I would greatly appreciate such response.

To the extent that the Court does not enter an order dismissing the appeal on procedural grounds prior to the May 23 hearing, I kindly request leave of Court to appear by phone at the hearing since my firm is located in Miami, Florida and since the likelihood of Ms. Gimbi appearing at the hearing is uncertain given her absence at the January 23 hearing on her motion to stay. For the Court's convenience, attached hereto please find Judge Gonzalez's order dismissing Ms. Gimbi's motion to stay foreclosure action.

MIK/rar
Encl.

USDS SDNY
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DOC #:
DATE FILED: 5/1/08

Sincerely,

Matthew I. Kramer

cc: Sharon A. Gimbi (via regular mail/facsimile number unknown)